

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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ROBERT H. SHEMWEILL, CLERK
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DEPUTY

UNITED STATES DISTRICT COURT

for the
Western District of Louisiana

United States of America)

v.)

Eric Demond Whitley)

Case No: 04-10016-01USM No: 12275-035Date of Previous Judgment: July 26, 2005)Carol Whitehurst

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

AMENDED AND CORRECTED

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582 (c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 38 months is reduced to 32 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to any Departures)

Previous Offense Level: 21
Criminal History Category: I
Previous Guideline Range: 37 to 46 months

Amended Offense Level: 19
Criminal History Category: I
Amended Guideline Range: 30 to 37 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range due to application of the provisions of U.S.S.G. § 5C1.2 (Safety Valve).
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

If this term exceeds the time of imprisonment already served, then the sentence is reduced to a "Time Served" sentence without any "Overserved Time" credit in case of future supervised release revocation. This sentence reduction is subject to the Prohibition contained in U.S.S.G. § 1B1.10(b)(2)(C), which specifies that in no event may the reduced term of imprisonment be less than the term of imprisonment the defendant has already served.

Except as provided above, all provisions of the Judgment dated 7/26/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date:

3/6/08

Judge's Signature

Effective Date: 3/16/2008DATE: 03/06/08 (If different from order date)BY: uhTO: USM & USPO

Honorable Dee D. Drell, U. S. District Judge
(Printed Name & Title)